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Attorneys for Plaintiff
Living Assistance Services, Inc.
d/b/a Visiting Angels

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

LIVING ASSISTANCE SERVICES,
INC. d/b/a VISITING ANGELS

Plaintiff,

v.

VISITING ANGELS HOME HEALTH
SERVICES, INC., et al.

Defendants.

Case No.: 2:12-cv-09002-DSF-JC

STIPULATION TO MODIFY THE
COURT'S SCHEDULING AND
CASE MANAGEMENT ORDER

1. The parties hereto, Plaintiff Living Assistance Services, Inc. d/b/a Visiting Angels ("Plaintiff") and Defendants Visiting Angels Home Health Services, Inc. and Naira Tshorokhyan (collectively "Defendants"), by and through their attorneys of record, stipulate to and respectfully request the Court to modify the Scheduling and Case Management Order dated January 23, 2013 ("Scheduling Order") and continue for four months the following dates and deadlines set forth in the Scheduling Order:

a. The trial date presently set for August 5, 2014 at 8:00 am;

1 b. The date for hearing motions in *limine* and the Pretrial Conference
2 date presently set for July 21, 2014;

3 c. The date for lodging the Pretrial Conference Order and the date for
4 filing an agreed upon set of jury instructions and verdict forms; a joint statement
5 regarding disputed instructions, verdicts, etc.; and oppositions to motions in *limine*
6 presently set for July 9, 2014;

7 d. The date for filing the memo of contentions of fact and law; the
8 status report regarding settlement; and motions in *limine* presently set for June 24,
9 2014;

10 e. The last date for hearing motions LR 7 and the last date to amend
11 pleadings or add parties presently set for October 21, 2013;

12 f. The non-expert discovery cut-off presently set for October 21,
13 2013;

14 g. The date for expert disclosure (initial) presently scheduled for
15 November 18, 2013;

16 h. The date for expert disclosure (rebuttal) presently scheduled for
17 January 6, 2014;

18 i. The expert discovery cut-off presently set for February 10, 2014;
19 and

20 j. The deadline to file a dispositive motion presently set for May 5,
21 2014.

22 2. This request is the parties' first request to continue the dates set forth in
23 the Scheduling Order.

24 3. The parties request to continue the dates set forth in the Scheduling Order
25 because Defendant, Naira Tshorokhyan, has been unable to participate in this
26 litigation due to an ongoing health condition and recent surgery. Accordingly, there is
27 good cause supporting continuance of the dates set forth in the Scheduling Order.
28

1 4. Plaintiff filed the Complaint in this matter on October 18, 2012 for (1)
2 Federal Trademark Infringement; (2) Federal Unfair Competition and False
3 Designation of Origin; (3) State Statutory Unfair Competition; (4) State Statutory
4 Dilution; and (5) Common Law Unfair Competition. Defendants filed their Answer to
5 the Complaint on November 9, 2012. The Court entered the Scheduling Order setting
6 forth the dates described above on January 23, 2013.

7 5. Plaintiff has attempted to diligently prosecute this matter and conduct
8 discovery. Specifically, on July 19, 2013 Plaintiff hand served its first set of
9 discovery requests on Defendants' counsel, including Plaintiff's First Set of Requests
10 for Production of Documents and Things, Plaintiff's First Set of Interrogatories and
11 Plaintiff's First Set of Requests for Admission. In addition, Plaintiff served a Rule
12 30(b)(6) Notice of Deposition on Defendant Visiting Angels Home Health Services,
13 Inc. and a Rule 30(b)(1) Notice of Deposition on Defendant Naira Tshorokhyan.

14 6. Defendant, Naira Tshorokhyan, has been unable to participate in this
15 litigation due to an ongoing health condition and recent surgery. Defendants'
16 responses to Plaintiff's first set of discovery requests were due on August 19, 2013.
17 On August 29, 2013, approximately one week after Defendants' discovery responses
18 were due, Kathleen Wilber, Defendants' counsel's legal assistant, advised that
19 Defendant, Naira Tshorokhyan, was ill and unable to timely respond to Plaintiff's first
20 set of discovery requests. To date, Defendants have not produced any documents or
21 other responses in response to Plaintiff's discovery requests.

22 7. Furthermore, pursuant to the Court's October 18, 2012 Order, the parties
23 were scheduled to participate in a mediation on August 19, 2013. On August 13,
24 2013, Defendants' counsel cancelled the scheduled mediation stating that Defendant,
25 Naira Tshorokhyan, had been unexpectedly hospitalized and had undergone surgery
26 and consequently could not participate in the scheduled mediation because she was
27 still under medical care.
28

1 8. Moreover, Defendants did not submit a mediation statement in
2 connection with the mandatory mediation scheduled for August 19, 2013.

3 9. To date, Defendants have not served any discovery requests or
4 depositions notices in connection with this action.

5 10. In light of the foregoing, the parties need additional time to complete
6 discovery and prepare for trial. Due to Defendant Naira Tshorokhyan's medical
7 issues, the parties anticipate that they will need at least four additional months to
8 complete fact discovery. The current discovery cut-off dates and related pre-trial
9 dates do not afford sufficient time to complete discovery and prepare for trial.

10 11. In addition, the deadline to participate in mandatory mediation is
11 November 18, 2013. The parties hope to amicably resolve the matter through
12 mandatory mediation.

13 12. Accordingly, the parties, by and through their attorneys of record, hereby
14 stipulate and request that the aforementioned dates set forth in the Court's Scheduling
15 Order be continued for a period of four months.

16 DATED: October 11, 2013

17 Respectfully submitted,

18 By: /s/ Yvette D. Roland
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3 DATED: October 11, 2013

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12 Naira Tshorokhyan
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